

REMARKS

I. Introduction

Claims 31-61 are currently pending. Claims 31-61 have been rejected. Claims 31, 36, 38, and 53 are amended herein. Claims 35, 39, and 56 are canceled without prejudice. The present amendment is supported by the original disclosure. No new matter has been added. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Rejection of Claims 31-61 under 35 U.S.C. § 103(a)

Claims 31-61 stand rejected under 35 U.S.C. § 103 over U.K. Patent App. Pub. No. GB 2231189 (“Healy”), in view of International Patent App. Pub. No. WO 00/23910 (“Vance”). Although Applicants disagree with the rejection, independent claims 31 and 53 are amended herein. It is respectfully submitted that the present claims are patentable over the proposed combination of Healy and Vance for at least the following reasons.

As an initial matter, to the extent the Office Action argues that any feature of Applicants’ claims are “well known” without referring to a specific feature of a cited reference, to preserve Applicants’ rights on appeal, Applicants respectfully traverse, and request either a specific citation to a reference or an affidavit. *See* 37 C.F.R. §1.104(d)(2). In addition, example embodiments of the present invention may provide for a game in which game participants may play or compete for a prize. In example embodiments, the game may involve selecting a particular object, i.e., a “winning object,” or the location of the winning object in a game image such as a photograph, the correct identity or location of the winning object being concealed from the game participants. Example embodiments implementing the game may involve providing game participants with a game site accessible over a network at which the game participants are authorized to play the game. Such a system may allow a plurality of game participants to compete in an interactive game for a prize.

For example, in an example embodiment, a game may be provided which may involve a photograph of a sporting event such as a soccer game from which the ball has been removed, the missing soccer ball being a winning object. In particular, the game may consist of trying to determine the exact position of a winning object on a game image displayed at the game site. This may be done by moving a pointer around the game image, e.g., using the “click-drag-and-drop” function of a mouse attached to a game participant’s computer, until the game participant is satisfied with his or her selections for the location of a winning object.

Example embodiments may include generating a pointer in the game image and tracking a movement of the pointer in the game image based on a location of the pointer as defined by the coordinate system and accepting the selection for the location of the winning object based on the location of the pointer in the game image. Such example embodiments may include displaying the pointer in the shape of the winning object.

Accordingly, independent claim 31, as presented, recites:

A method for facilitating the play of a missing object location game, comprising:

receiving, at a game server, a unique code from the player via the network;

providing, from the game server, a game image via the network to the game player, the game image configured so that a missing object is omitted from the game image;

providing a set of coordinates associated with the game image;

displaying an image of the missing object at a current location on the game image pointed to by a pointing device;

receiving from the player, at the game server, an indication of the player's guess as to the proper location of the missing object on the game image by receiving a location in the set of coordinates that corresponds to the current location on the game image of the image of the missing object when the player's guess is indicated by the player; and

responsive to receipt of the unique code and the indication of the player's guess as to the proper location of the missing object on the game image, determining whether the player has won the game conditioned at least in part on the distance between the player's guess as to the proper location of the missing object and the actual location of the missing object on the game image.

The proposed combination of Healy and Vance does not teach or suggest each of the elements of claim 31, as presented. For example, neither Healy nor Vance teaches or suggests "**displaying an image of the missing object at a current location on the game image pointed to by a pointing device**" and "**receiving from the player, at the game server, an indication of the player's guess as to the proper location of the missing object on the game image by receiving a location in the set of coordinates that corresponds to the current location on the game image of the image of the missing object when the player's guess is indicated by the player.**" It is clear that Vance does not teach or suggest such an element, as Vance does not teach or suggest displaying images of missing objects at all; the Office Action does not suggest otherwise. The primary Healy reference also does not teach or suggest the claimed element. Rather, although Healy may generally describe a game machine displaying an image representative of players playing a ball game, not including a ball; and may allow players to indicate where the ball is located. Healy does not teach or suggest "**displaying an**

image of the missing object at a current location on the game image pointed to by a pointing device.” Here, the Office Action cites to Healy Figure 4; however, Figure 4 does not depict an image of a missing object at all, showing only a marker in the shape of an “X.” Therefore, the proposed combination of Healy and Vance does not teach or suggest each of the elements of claim 31, and it is respectfully submitted that claim 31 is patentable over the proposed combination of references, for at least the reasons presented above.

Independent claim 53, as presented, recites:

A system for facilitating the operation of a hidden object location game, comprising:

a game server configured to provide a game image configured so that a missing object is omitted from the game image;

a network; and

a game participant client in communication with the game server via the network, the game participant client configured to display the game image provided by the game server to a player, the game participant client including a pointing device configured to allow a player to select a guess of a proper location of the missing object, **the game participant client configured to cause an image of the missing object to be displayed on the game image in the location currently indicated by the pointing device, and the game participant client configured to receive from the player an indication of the player’s guess as to the proper location of the missing object on the game image corresponding to a current position of the pointing device, and to communicate information indicative of the player’s guess via the network to the game server,**

the game server further configured, responsive to receipt of the indication of the player’s guess as to the proper location of the missing object on the game image, to determine whether the player has won the game conditioned at least in part on the distance between the player’s guess as to the proper location of the missing object and the proper location of the missing object on the game image.

The proposed combination of references does not teach or suggest all of the features of claim 53. For example, claim 53 recites “a game participant client in communication with the game server via the network, the game participant client configured to display the game image provided by the game server to a player, the game participant client including a pointing device configured to allow a player to select a guess of a proper location of the missing object, **the game participant client configured to cause an image of the missing object to be displayed on the game image in the location currently indicated by the pointing device, and the game participant client configured to receive from the player an indication of the player’s guess as to the proper location of the missing object on the game image corresponding to a current position of the pointing device, and to communicate information indicative of the player’s guess via the network to the game**

server.” Accordingly, for at least reasons similar to those presented above in connection with claim 31, it is respectfully submitted that claim 53 is patentable over the proposed combination of Healy and Vance.

In addition, claims 32-34, 36-38, and 40-52 depend from claim 31 and claims 54, 55, and 57-61 depend from claim 53. It is respectfully submitted that the dependent claims are patentable over the proposed combination of references for at least the reasons presented above in connection with independent claims 31 and 53. Withdrawal of the rejection is respectfully requested.

III. CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. While no additional fee is considered to be due, the Office is hereby authorized to charge any fees, which may arise out of the filing of this paper, or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to the deposit account of **K&L Gates LLP**, Deposit Account No. **0080570**.

The Examiner is invited to contact the undersigned at the telephone number below to discuss any matter concerning this application.

Respectfully submitted,
K&L Gates LLP

Dated: December 18, 2008 By: //Andrew L. Reibman//
Andrew L. Reibman
Reg. No. 47,893
K&L Gates LLP
599 Lexington Avenue
New York, N.Y. 10022
(212) 536-3900 (telephone)
(212) 536-3901 (facsimile)
CUSTOMER NO. 00545

Electronic Filing System

NY-#653427-v3